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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 SEATTLE TARP COMPANY, INC.,

10 Plaintiff,

11 v.

12 ENPAC, LLC,

13 Defendant.

Case No. C11-0471RSL

ORDER TO SHOW CAUSE

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15 This matter comes before the Court *sua sponte*. On March 18, 2011,  
16 defendant removed this matter from state court alleging that this Court has jurisdiction  
17 based on the diversity of citizenship of the parties. See 28 U.S.C. § 1332(a) (establishing  
18 that the federal court’s basic diversity jurisdiction extends to “all civil actions where the  
19 matter in controversy exceeds . . . \$75,000 . . . and is between . . . citizens of different  
20 States.”). “For a case to qualify for federal jurisdiction under 28 U.S.C. § 1332(a), there  
21 must be complete diversity of citizenship between the parties opposed in interest.”  
22 Kuntz v. Lamar Corp., 385 F.3d 1177, 1181 (9th Cir. 2004) (internal citation omitted).  
23 In examining whether complete diversity is present, the citizenship of a limited liability  
24 company is determined by examining the citizenship of the owners/members. See  
25 Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (holding

1 that “like a partnership, an LLC is a citizen of every state of which its owners/members  
2 are citizens.”).

3 In its Notice of Removal, defendant fails to allege the citizenship of each  
4 owner/member of defendant’s LLC. Nor are the missing jurisdictional facts supplied in  
5 plaintiff’s complaint, plaintiff’s amended complaint, or defendant’s counterclaim.  
6 Therefore, defendant has failed to meet its burden to establish the basis of the Court’s  
7 jurisdiction. See Indus. Tectonics, Inc. v. Aero Alloy, 912 F.2d 1090, 1092 (9th Cir.  
8 1990) (“The party asserting jurisdiction has the burden of proving all jurisdictional  
9 facts”); Fed R. Civ. P. 12(h)(3) (“If the Court determines at any time that it lacks subject-  
10 matter jurisdiction, the court must dismiss the action”).

11 Defendant is hereby ORDERED TO SHOW CAUSE why the Court  
12 should not dismiss this action for lack of subject matter jurisdiction under Fed. R. Civ. P.  
13 12(h)(3). Defendant shall, on or before June 24, 2011, provide the Court with the  
14 citizenship of all of the owners/members of Enpac, LLC, at the time the complaint was  
15 filed. The Clerk of the Court is directed to place this order to show cause on the Court’s  
16 calendar for June 24, 2011.

17 Dated this 9th day of June, 2011.  
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21 Robert S. Lasnik  
22 United States District Judge  
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